

**VIII. If the staff is proposing that the Commission impose an administrative penalty as part of this enforcement proceeding, the amount of the proposed penalty:**

Staff proposes a penalty of \$952,000 under Section 66641.5(e) of the McAteer-Petris Act for the following violations:

<b>Description</b>	<b>Violation(s)</b>	<b>Amount</b>
Place fill in the Bay to close each of seven tidal breaches of remnant levees and cut off tidal action to the Site	Placement of fill; substantial change of use. Seven violations. [\$2,000 per day per; duration over 1.5 years]	\$210,000
Place fill in Bay to construct new levees around Site	Placement of fill [\$2,000 per day per; duration over 1.5 years]	\$30,000
Excavate ditch interior to levees around Site	Extraction of materials [\$2,000 per day per; duration over 1.5 years]	\$30,000
Install replacement dock on eastern portion of Site; install additional, larger dock	Placement of fill. Two violations. [\$1,500 per day]; duration over 2 years.]	\$60,000
Excavate each of four crescent ponds in interior of Site; place excavated fill adjacent to each pond	Excavation of materials; substantial change of use; placement of fill. Four violations. [\$1,500 per day; duration over 1 year.]	\$120,000
Place fill in Bay to construct road to support vehicles in northwestern portion of Site	Placement of fill; substantial change of use. [\$2,000 per day; duration over 1 year.]	\$30,000
Place fill in Bay to construct road to support vehicles across the entire Site	Placement of fill; substantial change of use. [\$2,000 per day; duration over 1 year.]	\$30,000
Placing fill in Bay to construct two land bridges over culverts installed interior ditch on east and west sides of site	Placement of fill; substantial change of use. Two violations. [\$1,000 per day; duration over 1 year.]	\$60,000
Remove one of the former water control structures at the Site	Substantial change of use. [\$2,000 per day; duration over one year.]	\$30,000
Install new water control structure in western portion of Site	Placement of fill. [\$500 per day; duration over seven months (discovered during 10/21/15 site visit)]	\$30,000

Description	Violation(s)	Amount
Removing, mowing, and/or destroying tidal marsh vegetation (for other than agricultural purposes) throughout Site	Substantial change in use. [Occurred at various times; documented on 10/21/15 Site inspection, in Conditions Report; and on 3/4/16/ Site inspection. \$500 per day; duration no less than 2-7 months.]	\$30,000
Developing and using Site for water-oriented recreational activities including but not limited to kiting	Substantial change in use. [\$500 per day; duration approximately two years.]	\$30,000
Placing mobile army trailers and storage containers on the Site	Placement of fill; substantial change of use. Five containers documented on 11/14/14 Site inspection. Five violations. [\$100 per day; duration over 1.5 years.] Two additional storage containers documented on 10/21/15 Site inspection. Two violations. [\$100 per day; duration at least seven months, or 210 days.] Three wind-break platforms documented in 2/10/16 aerial photo. Three violations. [\$100 per day; duration at least 100 days.]	<p>\$150,000 (for five violations documented 11/14/14).</p> <p>\$42,000 (for two additional violations documented 10/21/15).</p> <p>\$30,000 (for three additional violations documented 2/10/16).</p>
Installation of four flat-rack containers as two helicopter landing pads	Placement of fill; substantial change of use. Two violations. [\$200 per day; duration at least 100 days.]	\$40,000
<b>Total Proposed Penalty</b>		<b>\$952,000</b>